

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, March 21, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Bell, the reading of the journal was dispensed with.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Education :

COMMITTEE ROOM,
AUSTIN, March 20, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Education, to whom was referred Senate bill No. 251, entitled "An act to incorporate the Bryan Male and Female Seminary," have had the same under careful consideration, and the majority thereof instruct me to report it back to the Senate with the recommendation that it do pass.

E. PETTIT,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 20, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee, to whom was referred Senate bill No. 254, entitled "An act to incorporate the Texas Dental College," would respectfully represent that they have had the same under careful consideration, and the majority thereof have instructed me to report it back to the Senate with the following amendments, and recommend its passage: Amend section one, line twenty-four, after the word "and" insert the word "may;" also, in line twenty-eight, after the word "and" insert "may;" also, in line thirty, after word "necessary" insert "they shall have;" also, in line thirty-one, strike out the word "to" and insert "who shall;" also, in line thirty-three, strike out "to act and" and insert "may;" in section five, line three, strike out "to grant or confer to" and insert "confer on."

E. PETTIT,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 20, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Education to whom was referred House bill No. 41, entitled "An act to repeal 'an act to prevent the sale of vinous, spirituous or other intoxicating liquors within one mile of the centre of the town of Alto, Cherokee county, ' " would respectfully represent that they have had the same under careful consideration and the majority thereof instruct me to submit the following report: 1. The majority of your committee are of the opinion that the subject matter of this act more properly belongs to the Judiciary than the Educational Committee, since the act sought to be repealed, approved in 1861, was not passed, nor is the repeal now asked, in any wise, in the interest of education. 2. Your petitioners in their prayer, aver that the prohibitory act has failed to accomplish its desired results, viz: the prevention of the excessive and intemperate use of intoxicating liquors, as large quantities of alcoholic liquors were purchased and sold in close proximity to the prescribed limits. 3. Since no remonstrance appears, and also since the prayer of said petitioners has been reported upon favorably by a committee of the House on town and city corporations, therefore, your committee, without passing upon the legal questions involved in said act, would respectfully recommend its passage.

E. PETTIT, Chairman.

Reports read and laid over under the rules.

Report of Committee on Indian Affairs:

COMMITTEE ROOM.

AUSTIN, March 20, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Indian Affairs to whom was referred House Joint Resolution No. 10, "authorizing the Secretary of State to present one Winchester carbine to each of the persons who overtook and killed four of a band of hostile Indians," ask leave to report the same back and recommend its passage.

A. J. FOUNTAIN, Chairman.

COMMITTEE ROOM,
AUSTIN, March 20, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Indian Affairs, to whom was referred Senate bill No. 247, entitled "An act to provide for the release of

children or other persons of the State of Texas, who are, have been, or may hereafter be, held as captives by the Indians," ask leave to report the same back and recommend its passage.

A. J. FOUNTAIN,
Chairman.

On motion of Senator Fountain, the rules were suspended to consider the report of the committee and Senate bill No. 247.

Senate bill No. 247 read second time, ordered engrossed and passed to a third reading.

On motion of Senator Fountain, the rules were further suspended, Senate bill No. 247 read third time and passed by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Braughton, Cole, Dillard, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hillebrandt, Latimer, Mills, Parsons, Pettit, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—25.

Nays—None.

On motion of Senator Baker, Senator Hertzberg was excused for the day.

REPORTS OF COMMITTEES—Resumed.

Reports of Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, March 21, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee on State Affairs, to whom House bill No. 25 was referred, entitled "An act to incorporate the Gymnastic Association of New Braunfels, under the name and style of 'Turnverien New Braunfels,'" have carefully considered the same, and instruct me to report the same back, with the accompanying amendment, and recommend its passage: Amend by striking out all of section two (2.)

S. W. FORD,
Chairman.

Report read and laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Parsons: a bill (Senate bill No. 268) to be entitled "An act to incorporate the Texas Dental Association." Read first time and referred to Committee on Education.

By Senator Saylor: a bill (Senate bill No. 269) to be entitled "An act to establish a responsible maximum rate of charges for transportation of passengers on the different railroads in this State." Read first time and referred to Committee on Finance.

By Senator Evans: a bill (Senate bill No. 270) to be entitled "An act making an appropriation for the purpose of having certain general indexes in the General Land Office." Read first time and referred to Committee on Land Office.

Senator Bowers offered the following resolution, which was adopted:

Resolved, That the select committee, to whom was referred the consideration of the circumstances connected with the loss of Senate bill No. 93, to be entitled "An act to incorporate the Belton Bridge Company," be authorized to send for persons and papers; and that the chairman be authorized to administer oaths.

10:30 O'CLOCK A. M.

The hour having arrived for the consideration of the special order, substitute Senate bill No. 168, to be entitled "An act to incorporate the Galveston and Denver City Air Line Railway Company, and promote the construction thereof." Substitute Senate bill No. 168 ordered engrossed, and passed to a third reading.

Senator Bell moved to reconsider the vote taken in passing substitute Senate bill No. 168 to engrossment and third reading.

Motion to reconsider carried.

Senator Evans offered the following amendment, which was adopted: Amend section one, by inserting the names of J. P. Smith and K. M. Van Zandt.

Senator Dohoney offered the following amendment: In line twenty-eight of same section, the word "forty," and insert in lieu thereof the word "fifty;" and amend further, by adding at the end of line twenty-eight, after the word "thereof," the words "and in default thereof shall forfeit all rights herein granted."

Under direction of the President, the Secretary carried to the House, for concurrence, Senate bill No. 71, "An act to incorporate the Marion County Agricultural, Mechanical and Blood Stock Association."

Also, informing the House that the Senate had passed, with amendments, House bill No. 12, "An act to incorporate the town of Kosse, Limestone county."

Also, without amendments, the following House bills:

House bill No. 35, "An act for the permanent location of the county seat of Van Zandt county, and designating the boundary lines of the same."

House bill No. 45, "An act for the relief of the widow and heirs of W. A. Smith, deceased."

House bill No. 61, "An act to authorize Alexander English to erect a toll bridge across Bois d'Arc creek, in the county of Fannin, Texas."

House bill No. 77, "An act to amend an act entitled 'an act to incorporate the Caddo Lake Manufacturing Company,' approved November 1, 1866."

House bill No. 304, "An act for the relief of T. H. Arlitt."

House bill No. 205, "An act to incorporate the Galveston Building Association."

House bill No. 398, "An act changing the eastern boundary of Johnson county."

Also, informing the House that the President had signed, in open session, enrolled House bill: No. 38, "An act to incorporate the Central Texas Agricultural and Mechanical Association of Bryan, Texas."

Message from the House by Chief Clerk, transmitting for concurrence the following House bills:

House bill No. 134, "An act to amend 'an act to incorporate the town of Clarksville, Red River county,' approved January 31, 1852."

House bill No. 137, "An act to incorporate the town of Palestine, in the county of Anderson."

House bill No. 164, "An act to incorporate the town of Pittsburgh, in Upshur county."

House bill No. 465, "An act for the relief of G. F. T. Vega."

Also, returning Senate joint resolution No. 5, "Joint resolution proposing amendments to section four of article five of the Constitution of the State of Texas."

Also, informing the Senate that the House concurred in Senate amendments to House bill No. 403, to be entitled "An act to authorize the Governor to lease the State Penitentiary, together with the labor of the convicts therein."

The question recurring on the adoption of the amendment by Senator Dohoney, it was adopted.

Senator Evans offered the following amendment, which was adopted: "Amend section two, line fourteen, by inserting the following words after the word 'expedient,' to-wit: 'to or near Fort Worth, in Tarrant county, thence.'"

Senator Parsons moved to reconsider the vote adopting the amendment of Senator Dohoney. Motion to reconsider carried.

Senator Flanagan moved to adopt the first portion of the amendment offered by Senator Dohoney, as follows: Amend in section two, line twenty-eight, by striking out the word "forty" and insert in lieu thereof the word "fifty."

Senator Dohoney moved the adoption of the latter part of the amendment, which motion was lost.

11 o'CLOCK A. M.

The hour having arrived for the consideration of the special order, Senate bill No. 166, "An act to establish a system of public free schools in the State of Texas," on motion of Senator Fountain, the special order, Senate bill No. 166, was postponed and made the special order for to-morrow, at 11 A. M.

The question recurring on Senate bill No. 168—

Senator Ruby moved that the following amendments of the Committee on Internal Improvements be adopted, which motion was adopted.

Senator Ford offered the following amendment, which was adopted :

Amend section nine, line nine, strike out all of said section after the word "company," and insert the following, to-wit : " may be brought in any county through which said road may run ; *provided*, that citation shall be duly served on the president or secretary of said company, at its principal office in the State of Texas, as required by law in such cases."

Senator Mills moved to strike out section ten.

Pending discussion—

Message from the House by the Chief Clerk, informing the Senate the House had passed Senate bill No. 165, "An act to incorporate the Tyler Real Estate and Banking Association," with amendments.

Senator Parsons gave notice that he would offer an amendment to section ten.

The question recurring on the motion of Senator Mills, to strike out section ten, yeas and nays called for and carried, by the following vote :

Yeas—Bowers, Braughton, Cole, Dohoney, Douglass, Evans, Flanagan, Ford, Hall, Hillebrandt, Mills, Pickett, Pridgen, Pyle, Tendick—15.

Nays—Mr. President, Baker, Bell, Fountain, Gaines, Latimer, Parsons, Pettit, Rawson, Ruby, Saylor, Shannon—12.

Senator Flanagan moved to reconsider the vote striking out section ten.

Senator Pickett moved to lay the motion to reconsider on the table.

Yeas and nays called for and lost by the following vote :

Yeas—Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Hall, Hillebrandt, Mills, Pickett, Pridgen, Pyle, Tendick—14.

Nays—Mr. President, Baker, Bell, Flanagan, Ford, Fountain, Gaines, Latimer, Parsons, Pettit, Rawson, Ruby, Saylor, Shannon—14.

Pending discussion, Senator Pridgen submitted the following report of the Committee on Enrolled Bills:

COMMITTEE ROOM,
AUSTIN, March 21, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 123, entitled "An act in relation to the Atlantic and Pacific Railroad Company," and to-day, at 12 o'clock M., presented the same to the Governor for his approval.

B. J. PRIDGEN.

Report read and received.

Under instructions from the President, the Secretary returned to the House Senate bill No. 7, "An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement," informing the House that the Senate concurs in the House amendments thereto with the following exceptions, in which the Senate do not concur, to-wit:

Add, as section 17: "A failure to comply with any of the provisions of this act on a preliminary to the issue of bonds shall be taken notice of by purchasers thereof, and shall render such bonds and any coupons attached thereto null and void;" and the closing section be numbered 18.

Also, for signature of the Speaker, the following enrolled Senate bills:

Senate bill No. 20, "An act to incorporate the Bank of Texas."

Senate joint resolution No. 27, "Requesting our Representatives and Senators in the Congress of the United States to procure the passage of an act creating and establishing a port of entry at the city of Rockport, on Aransas Bay, in the county of Refugio, in this State."

Senate bill No. 87, "An act to organize and incorporate the East Line and Red River Railroad Company."

Senate bill No. 104, "An act for the relief of Geo. W. G. Browne, late clerk of the Supreme Court of the State of Texas."

Senate bill No. 108, "An act to incorporate the Navasota, Washington and Brazos Bridge Company."

Senate bill No. 132, "An act authorizing C. C. Dewitt and T. M. Harwood, of Gonzales county, to construct a bridge across the Guadalupe river at or near Gonzales, in Gonzales county."

Senate bill No. 135, an act to be entitled, "An act for the employment of a clerk in the Pension Bureau of the Comptroller's Office."

Senate bill No. 172, "An act to incorporate the Texas Dry Dock Company."

Senate bill No. 123, "An act in relation to the Atlantic and Pacific Railroad Company."

Enrolled bills signed by the Speaker, returned and signed by the President of the Senate.

Senator Gaines moved that the further consideration of Senate bill No. 168 be postponed and made the special order for to-morrow at 10:30 A. M.

Senator Fountain moved that the Senate stand adjourned to 10 o'clock A. M. to-morrow ; yeas and nays called for, and carried by the following vote :

Yeas—Mr. President, Baker, Bell, Dillard, Flanagan, Ford, Fountain, Gaines, Latimer, Parsons, Pettit, Rawson, Ruby, Saylor, Shannon—15.

Nays—Bowers, Braughton, Cole, Dohoney, Douglass, Evans, Hall, Hillebrandt, Mills, Pickett, Pridgen, Pyle, Tendick—13.

So the Senate adjourned to 10 o'clock A. M. to-morrow.
